

R E P O R T

From Select Committee on Petition of Inhabitants of the Borough of *ATHLONE*.

Ordered, by The House of Commons, to be Printed, 15 May 1827.

THE SELECT COMMITTEE, to whom the Petition of *James Hannan* and others, complaining that their Names were forged as Signatures to a Petition, which was delivered in upon the 1st day of December last, purporting to be an Election Petition against the Return of *Richard Handcock*, Esquire, Member for the Borough of *Athlone*, was referred, to examine the Matter thereof, and to report their Opinion thereupon to the House; and to whom the last-mentioned Petition was also referred; and who were empowered to report the MINUTES of EVIDENCE taken before them to the House:—HAVE examined the Matter thereof, and have come to the following RESOLUTIONS:

1. *Resolved,*

THAT it appears to this Committee, that certain Signatures to a Petition, purporting to be an Election Petition against the Return of *Richard Handcock*, Esquire, Member for the Borough of *Athlone*, and delivered in to the Table of the House, upon the 1st day of December last, are not the Signatures of the persons whose names are subscribed thereunto.

2. *Resolved,*

THAT it appears to this Committee, that *Thomas Flanagan* was privy to and cognizant of the forgery of such names.

25 May 1827.

MINUTES OF EVIDENCE.

Mercurij, 28^a die Martij, 1827.

CHARLES BARCLAY, ESQUIRE,
IN THE CHAIR.

1.—Petition of the there-undersigned inhabitants of the borough of *Athlone*, purporting to be an election petition, and which was delivered in to the table of the House, upon the 1st day of December 1826, was read as follows.

To the Hon^{ble} the Commons of Great Britain and Ireland in Parliament assembled:
The humble Petition of the undersigned inhabitants of the borough of *Athlone*;

Sheweth, — That notwithstanding that by the constitution of the charters of *Athlone*, by law and by the express rules of justice, by law and by the sound principles of the constitution, there should have been present at the election of a Member of Parliament for the borough of *Athlone*, the whole and every of the burgesses,

unless proof made in open borough court of indisposition, or other necessary cause of absence; yet the same has not only been studiously avoided at the late borough court for electing a Member to represent your petitioners and fellow-townsmen in Parliament, but the commonalty have been excluded, and the necessary notices not posted, nor the rules or regulations required by law complied with, but, on the contrary, the election was held by subterfuge, and under the most peculiar unconstitutional degree of injustice; That therefore petitioners humbly submit to your honourable House, for the reasons aforesaid and herein stated, that Richard Handcock, Esquire, has been unduly and unfairly returned, in direct violation of the constitution and of the established law of the realm, and, in particular, of the law rules and regulations for regulating borough elections in Ireland, inasmuch as four days' notice should have been given, in the most public manner, signed by the returning officer, upon the receipt of two precepts from the sheriffs of the counties of Westmeath and Roscommon, to each of which counties the precincts of the borough extends; whereas the election was held upon one precept, and without any returning officer legally appointed, and without the necessary number of burgesses required by law having been present at such election; and, above all, petitioners humbly submit to your honourable House, that as the corporation of Athlone has been long in part defunct, and the corporate body having died a natural death, and ought to be dissolved, as will appear by the corporation books when laid before a Committee of your honourable House, with other substantial incontrovertible proofs, and also by the returns signed and filed in the Hanaper Office, Dublin, of Mr. Kerr's return the election before last, and of Mr. Handcock's return at the late assumed election; that your honourable House will not permit a Member returned not only unconstitutionally but unfairly, and in direct violation of the laws, to sit in your honourable House as representative for Athlone, and whose vote might perhaps be calculated to form a majority on an important question upon which the salvation of Great Britain might depend.

Wherefore petitioners humbly implore your honourable House to try and inquire, by the production of the corporation books, of copies of the returns in the Hanaper Office, Dublin, and by the examination of witnesses, whether the said Richard Handcock is constitutionally fairly or legally returned or not; and, if it appears that he is not, your petitioners humbly expect that your Honourable house will order new writs to issue to the sheriffs of the counties of Westmeath and Roscommon; and that petitioners may be entitled to their valuable privileges, the right of freedom of election.

And Petitioners will ever pray.

Athlone, July 1826.

*Patrick Gannon,
John O'Flanagan,
Mich' Kerew,
James Hannan,
John Kuce,
W. Curley,*

*T. Curley,
P. Hawkins,
Pat' Grady,
P. May,
Tho' Smyth.*

2.—Petition of James Hannan and others, of the town of Athlone, presented to the House, the 13th of March 1827, was also read as follows:

To the Right Hon^{ble} and Hon^{ble} the Knights, Citizens and Burgesses in Parliament assembled.

The humble Petition of the under-named persons inhabitants of the town of Athlone,

Sheweth,—That your petitioners have learned with surprise, that a petition has been got up, and presented to your honourable House, in the month of November last, by a person of the name of Flanagan, to which your petitioners' names were affixed, the purport of which petition was to disturb Richard Handcock, Esquire, in his return as Member to serve in Parliament for the borough of Athlone; your Petitioners beg leave to state to your honourable House, they never signed said petition, nor did they authorize any person so to do; they also beg leave to inform your honourable House, that their names, so affixed to said petition, are forgeries, as may appear by the annexed affidavits; and that petitioners are not freemen of the borough

borough of Athlone, nor do they claim a right to vote at an election; and petitioners further state, that said Thomas Flanagan is in the habit of getting up petitions to Parliament, in several vexatious and frivolous ways, setting the people astray, and instigating them to overt acts against the magistracy of the country.

Petitioners therefore humbly hope your honourable House will take their case into consideration, and devise some means, as in your wisdom you shall think fit, to prevent petitions with forged signatures being presented to your honourable House in future.

And your petitioners will ever pray.

Signed by Patrick Hawkins in my presence,
Loac Cornelius.

Ja^s Hannan,
W. Carley
his
Patrick x Hawkins,
mark
Thos Smyth.

Athlone, March 6th, 1827.

John O'Flanagan, called in; and Examined.

WHERE do you live?—At Athlone.

Did you receive a letter by the post, ordering your attendance here?—I did.

How did you receive it?—From the post mistress.

She gave it to you?—Yes.

Have you got it?—I have.

[*The Witness produced the same.*]

Did you receive another letter?—One for Thomas O'Flanagan, directed to my care.

Was it given to you?—It was.

What did you do with it?—I sent it to Mr. Dawson, of Louth.

Was Thomas Flanagan in Athlone?—No.

Do you know where he was?—No; I was told he was in Mullingar.

When was Thomas Flanagan at Athlone?—On Sunday evening before the last fair at Athlone.

What is the date of that?—I believe the date of the fair is the 21st of March; it was held on Wednesday, but it was to have been on Monday.

Was that after you had received the letter for him?—After that I got the letter for him.

After you saw him, you got the letter for him?—Yes; he went away on the Sunday to Mullingar, and on the Tuesday the letter came for him.

You sent it to Mr. Dawson?—I sent it to Mr. Dawson, as I thought he knew where he was, as I had heard him speak of Mr. Dawson.

Did you see Thomas Flanagan after you received the letter from the post office to him?—No.

Did Flanagan desire you to send his letters to Mr. Dawson?—No.

Why did you take it from the post mistress, as it was not addressed to you?—It was addressed to the care of John Flanagan.

On what day was it that Flanagan left Athlone?—On Sunday.

Do you know where Flanagan is now?—No more than a child unborn.

Did he tell you he was going to London?—That evening he saw by the Evening Post, that this business was to go on, and he said, I must be off to London immediately; that was the word he said, that he would repair for London as quick as possible.

James Hannan, called in; and Examined.

YOU live at Athlone?—I do.

What are you?—A saddler.

Is there a person of the name of Hannan at Athlone?—I do not think there is one.

Do you know a man of the name of James Hannan at Athlone, a carpenter?—There is a James Hannan at Athlone, who is doing business there; but he is not living at Athlone; he is living seven or eight miles from there.

Was he there in the month of July last?—I do not think he was.

Did you ever see him write?—I did; and I know his handwriting.

James Hannan.

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Will you look at this signature—[*The Petition presented on the first of December being handed to the witness*].—Is that your signature?—That name is Hannan, but it is not the signature of either me or James Hannan the carpenter.

Did you ever give anybody authority to put your name to that petition complaining of the election for the town of Athlone?—Never in my life.

And that is not your signature?—No.

Did Thomas Flanagan ever apply to you to sign a petition?—Never in my life; and I never had a conversation with him.

You heard in Athlone, that he was getting up a petition?—I did; but it was after that petition was given in to Parliament.

Are there any other persons of your name in that neighbourhood?—There is not one of the name in Athlone, with the exception of a son of mine that is about twelve or thirteen years of age, and he could not write so well as that.

From whom did you receive this petition which you signed?—I signed it at old Captain Handcock's, in Athlone.

Who do you mean by Captain Handcock?—Mr. Handcock's father.

Did you read it before you signed it?—I did.

And considered it, and understood it?—And understood it perfectly, and had a copy of it.

When did you first hear that that petition of Mr. Flanagan's had been presented?—I cannot ascertain the day of the month, but I believe it came rather by the public prints to my hearing first in Athlone, that Mr. Dawson presented a petition of that nature against Captain Handcock; that was the way I heard of it.

How did you know that your name was put to it?—I heard it through old Captain Handcock, of Athlone, who sent to me to know if I ever did such a thing; and I made a voluntary affidavit that I never did it.

Before whom did you make that voluntary affidavit?—Before Mr. Cook, of Athlone, who is at present a magistrate.

Do you know whether this Mr. Flanagan is in the habit of getting up petitions to Parliament?—I have been at a house where he was outside the shop, telling Mr. Kelly that he was in the habit of doing so; that he went from place to place for the purpose of redressing injuries or grievances practised upon the people.

Was it from that declaration of Flanagan that you inserted that statement in this petition?—Not immediately from that, but bearing it generally said that he was a character of that kind.

What do you mean by a character of that kind?—I mean that his character ranks as such; that he does so; that he presents petitions; and I did hear that he sent in a petition even from Sligo.

You state, in this petition, that he was in the habit of getting up petitions to Parliament in several vexatious and frivolous ways, setting the people astray, and instigating them to overt acts against the magistracy of the country; now upon what grounds do you make that statement?—The grounds I made it on were these; knowing him to attend the different assizes, and causing a great deal of trouble in the courts; and in like manner I have known him going about looking for subscribers; I do not say I have known it, but I have heard several of the inhabitants say so.

So that you have stated this charge upon the hearsay that you so collected?—I saw him myself go from house to house, and I have asked in the houses what was his business.

In what vexatious or frivolous way have you known him get up petitions to Parliament, and set the people astray and instigate them to overt acts against the magistracy of the country, to your own knowledge?—I have heard him say myself, on that very night, that there was a great deal of grievance practised upon the inhabitants of Athlone by the magistrates.

Is that what you call his taking pains to set the people astray and instigating them to overt acts against the magistracy of the country?—That is what I conceive it to be, because I did not consider him to be able to justify it.

Is that the only evidence you have to give to this Committee of that fact?—It is the only evidence that has come within the limits of my knowledge.

Will you state any other case in which you have known him instigate the people to overt acts against the magistracy of the country?—Nothing more than what I have said.

Did you write this petition yourself?—No.

Who wrote it?—I cannot say who wrote it, but I saw a copy and read it.

Who

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Who showed you that petition first?—Captain Handcock, of Athlone.

When did you make that statement to Captain Handcock on the day he showed you the petition first, and asked you to sign it?—He read it for me first, and gave me a copy of it, and then I took and read it; he desired me to read it, and I did read it, and put my name to it.

Is Captain Handcock a gentleman of fortune, and one of the magistrates in that neighbourhood?—Yes.

Are the Committee to understand that this petition was prepared by Captain Handcock, and tendered by him to you for your signature and approval?—When I made my affidavit, I told Captain Handcock that I thought it would be doing a justice to me and the other parties if there could be any thing done to punish him for doing so; then he told me he would do every thing in his power to punish him for it.

Who asked you to make an affidavit?—I made it voluntarily; no one asked me.

Who first told you that your name was to the petition?—Captain Handcock, of Athlone.

Did you then go and make the affidavit?—No, he sent for me and asked if I did so; I said no, I did not; and there was a book lying on the table, and I took up the book and kissed it, and swore that I did not sign it.

Who is your landlord?—A Mr. Sprole.

Who is his landlord?—I believe it is a fee simple.

Who wrote the affidavit that you made?—Mr. Cooke, the magistrate.

Is he one of the magistrates of the corporation of Athlone?—He is.

Is he one of those electors of Athlone against whom the complaint in this Petition is made?—No, I do not think he is.

Is he one of the voters of Athlone?—I believe him to be a freeman.

Did you know at any time that Thomas Flanagan was in the habit of addressing the mob or the people of the town to resist the payment of tolls and customs?—I did; I was present at it.

Where is the affidavit that you made?—I do not know.

Have you a copy of it?—No, I have not; I understood it was sent to this house.

You have said that you never saw Mr. Flanagan but once; upon what occasion was that?—I mean that I was never in his conversation but once; but I saw him a hundred times in the streets of Athlone.

On what day was it that you heard him make this address to the people, telling them to resist certain tolls?—I think it was sometime in the month of last October, or prior to it.

Was it at a public meeting?—No; it was in the house of a man of the name of Coffey, beyond the water—beyond the bridge of Athlone; he was at the door, and he desired the people to resist the tolls and customs that were illegal and wrong; and he said the only way for them to get the grievances redressed, was for them to put a stop to it.

He declared them illegal, did he?—He desired them to resist paying it, and not to pay any toll.

Were not there many other persons of the same way of thinking with Mr. Flanagan?—I cannot say.

How long have you lived in Athlone?—I am in Athlone, I should think about nineteen or twenty years.

When did you first know Flanagan come to Athlone?—I believe it is about twenty years back.

Had you ever heard any complaint, or known any resistance to the payment of those tolls and customs, especially at the bridge, prior to Mr. Flanagan's coming there?—Not one; I never knew any one ever attempt to resist at all the payment of the customs of the town prior to his coming to it, not this twenty years.

You were understood to say, that he resisted the tolls and customs as illegal?—He addressed them, and he said they were illegal, and desired them by no means to pay them.

Do you recollect whether there was any resistance to the tolls and customs previous to Flanagan coming to Athlone?—I never knew of any.

When he spoke of tolls and customs, did he give you to understand that all tolls and customs throughout Ireland were illegal, or did he merely address himself as to the tolls of Athlone?—It was to the people of Athlone that he was addressing; and

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and I conceived that it was not in a general way that he spoke, but to people of the town of Athlone.

Do you consider the resistance of the payment of tolls and customs, which any person may consider as illegal, as an attack upon the magistracy of the country; do you consider the magistracy of the country as the same thing as the head of the tolls and customs?—No, certainly not.

In the course of taking those tolls and customs are any oaths administered?—There is a man used to stand with a hook, and he would tender the hook, but at the same time if the man offered his hand he would withdraw the hook.

Is that custom done away now altogether?—It is done away altogether, there is no such thing.

How long has it ceased?—I believe it ceased about four or five months ago.

That has ceased since Flanagan has declared war upon the tolls?—I do not know whether Mr. Flanagan was the instrument or not.

Was it since Mr. Flanagan said they were illegal that they have been stopped payment of?—It was.

All the tolls continue to be paid, do not they?—There is a compromise.

There is an alteration in this petition which was presented on the 13th of March, was that in it when you signed it?—*[The Petition being shown to the Witness.]*—I think it was.

Is that your signature to that affidavit?—*[An affidavit being shown to the Witness.]*—It is my signature.

That was the affidavit made by you before you signed this petition?—It was.

You have not stated one word in that affidavit with regard to the acts of Flanagan against the magistracy of the country?—No, certainly not; I made an affidavit such as would acquit me of the charge brought against me.

Was that suggestion with reference to his acting against the magistracy of the country your own, or was it put into your head by finding it in this petition?—If I do not mistake, I pointed out to Captain Handcock, at the time that he shewed me the first copy that was drawn, that I thought he was a very troublesome man.

Are the Committee to understand, that you never knew him but upon that one occasion, to say anything that was likely to have the tendency you have stated?—I have known him by character these two or three years.

William Curley, called in; and Examined.

William Curley.

WHAT are you?—A coachmaker, by trade.

Do you live at Athlone?—Yes.

Is that your signature?—*[The Petition presented on the 13th of March being shown to the Witness.]*—It is.

Is that your signature?—*[The Petition presented on the 1st of December being shown to the Witness.]*—It is.

Did you ever authorize any person to sign a petition to the House against the return for the borough of Athlone?—No.

Is there any other person of your name at Athlone?—There is, but not living immediately in the town.

Were you ever applied to to sign a petition?—I was.

By whom?—By this Mr. Flanagan.

What is his Christian name?—I did not know his name at the time, but I understand, since I came to town, his name is Thomas.

Is there any other person of your name an inhabitant of Athlone?—Not in the town.

How near the town?—I know one of them about a mile out of the town.

Were you applied to by Thomas Flanagan to sign that petition?—No, another against the tolls and customs.

When did you first know Mr. Flanagan?—I had not the pleasure of knowing the gentleman at all till he came into the house with this petition.

When was that?—I cannot say.

What year was it in?—1826.

What time in the year was it?—I cannot say.

You cannot say whether it was winter or summer, or spring or autumn?—I think it was in the spring.

You never saw him, except that time?—I have seen him since. I saw him on Sunday

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Sunday week; I was shewn him by another person.

How did you hear first that your name had been put to that petition against the return for the borough of Athlone?—Captain Hancock, senior, sent to me, and asked me if I did sign such a petition, and I answered, no; nor did I hear of such a petition till the time I was asked about it.

What then happened?—I cannot recollect; I do not think the Captain asked me any more questions.

What did you do in consequence of that conversation?—I heard that the people volunteered to make affidavits, and I made a voluntary affidavit that I never signed such a petition.

From whom did you hear of the volunteering of the people to make affidavits?—I believe it was my father I heard it from.

What is your father's name?—Michael Carley.

Was he present when you saw Captain Hancock, senior?—No.

You went to a magistrate, and made this affidavit; what did you do then?—I returned home, as well as I recollect, to my business.

What happened after that?—Mr. Hannan considered it necessary to petition against the illegal act of this man putting our signatures to a petition against the return of Mr. Hancock, unknown to us.

What steps did you take in consequence of that conversation with Mr. Hannan?—I went over to Mr. Cooke's office, and Mr. Hannan told me that he signed the petition that was shewn to me.

When did you first see this parchment to which you signed your name?—In the sovereign's office.

Who is the sovereign, the head officer of the corporation?—Yes.

What is his name?—William Cooke, esq.

Did you read it before you signed it?—The clerk read it for me.

Are you able to say, that the contents of it are true from your own knowledge?—Certainly, I can indeed, from my own knowledge.

You are quite clear upon that subject?—I am.

And it was so read and explained to you before you signed it?—It was.

How do you know any thing about Flanagan and his mode of life?—I know nothing of the gentleman but seeing him pass.

Did you ever know him setting the people astray, instigating them to acts of violence against the magistrates?—No, never.

Why did you say that you did know all this in this paper that you signed, if now you state that you know nothing about it?—The answer that I can give is, that I had never seen Flanagan or knew him to raise the people against the magistrates; I never heard him to do so.

The petition states, "That the said T. Flanagan is in the habit of getting up petitions to Parliament in several venustous and frivolous ways, setting the people astray and instigating them to overt acts against the magistracy of the country;" how have you known Flanagan set the people astray and instigate them to overt acts against the magistracy of the country?—The present Mr. Richard Hancock was our sovereign and magistrate in Athlone, and when he took those proceedings to put our signatures to that petition against him, we considered that that was the meaning of it in the petition, that he took those illegal steps to petition against Richard Hancock, esquire.

Was that the only instance that you know in which he opposed the magistrates?—That was all.

Signing a petition to Parliament complaining of an undue return, you consider to be an act setting the people astray and instigating them to commit overt acts against the magistracy of the country?—Yes.

State what other instances you have known?—He has opposed the magistracy in the tolls and customs, and has told the country people not to pay it, I have heard of that.

Have you ever seen him to do that?—No, I have never seen him; but he had such a petition carrying about, and I signed my name to it, which will not correspond with the writing which is there.

Did the signature of that first petition bring you into any trouble?—No, not any.

Do you know who wrote the petition that you signed at the sovereign's office?—I consider it was Cornelius Clarke, the town clerk, or deputy sovereign.

Who is the sovereign now?—Mr. Cooke.

Then it was before the sovereign you made the affidavit?—It was.

William Curry.

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Was it against the conduct of the sovereign and the magistrates that Mr. Flanagan had formerly asked you to petition?—No, but against the tolls and customs, which was contrary to the magistrates; the magistrates said that the customs were legal, and he said not.

Are the Committee to understand that Mr. Flanagan wished you to sign a petition against tolls that were collected by order of the magistrates, which he considered illegal; was that the whole extent that you know of Flanagan's having done?—It was.

Did you ever hear Flanagan desiring the people to resist the constables, and not to pay the tolls?—No, I never heard himself express the words.

Did you ever see him addressing the mob?—Never, indeed.

Can you take upon yourself to say that there are not other persons of your name at Athlone?—I can.

You are sure of that?—There is none of the name of William but two other persons; one is four miles from the town, and the other one mile.

Is he a burgess of Athlone?—No, there are none of them within the borough; there are none of them that are inhabitants of Athlone.

Patrick Hawkins, called in; and Examined.

Patrick Handcock.

DO you live at Athlone?—Yes.

What are you?—A pensioner.

Can you write?—No, I cannot write.

Can you read writing?—No.

Did you ever put your mark to a petition to this House?—Never in my life.

Did you ever see that petition before?—[*The Petition presented on the 13th of March being shewn to the Witness.*]—Yes, I think I saw that paper at Mr. Handcock's.

Did you put your mark to that petition?—Yes, I put my mark to this.

Was it read to you at the time?—It was.

Do you know what it was about?—I do not recollect.

Do you live in Athlone?—I do.

Do you know Thomas Flanagan?—I saw him twice, I believe.

What year was it in?—I think it was very nearly a year ago, and I saw him last Sunday was a fortnight.

When did you first see him?—It is very near twelve months ago.

What was he doing?—He was going about with a large paper and pen and ink, taking every body's name down about the tolls and customs of the town.

Did you put your mark, or authorize him to put your mark, to a petition about the tolls and customs?—I did.

Did you know what the subject of the petition was, in his hand?—No; but he told us it was against the tolls and customs, to have them got off.

Did you ever see him in any other situation than going about getting signatures to that petition?—Never in my life.

You believe it was a petition?—It was three or four large sheets.

Did you ever know him troublesome in the town, or exciting any disturbances?—No, never in my life; but I know that he went round taking the names of the whole neighbourhood.

Did he ever advise the people of the town to resist the constables and the magistracy?—I never heard him do so.

You never heard that he had done so?—Never.

Did you ever hear that he desired the people not to pay the tolls?—Yes, I did; when he brought the names down in that list, he said, that he should have them beat off.

Were you ever applied to to put your mark to any petition against the return of Mr. Handcock for the borough of Athlone?—Never; and I should not do it if I was.

Who asked you to go to Mr. Handcock's?—Nobody; but I was informed that my name was down here to that petition, and when I heard that, I would not wish it, and I went and made my affidavit that I never had signed against Mr. Handcock.

Is there any other person of your name in Athlone?—There is one Hawkins a baker, his name is James Hawkins.

Who first told you that your name was to that petition?—One of the men in the office.

In what office?—In Mr. Handcock's office in Athlone.

What

What office has Mr. Handcock there?—The office that Mr. Cooke keeps now.

Patrick Hardins.

You mean the chief magistrate?—Yes.

Did you authorise your mark to be put to that piece of parchment at the time that you made that affidavit?—Yes.

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Did you desire the affidavit to be written out, or was it written out for you?—Yes, it was written out for me.

Do you know who wrote it?—The clerk wrote it.

In the Sovereign's office?—Yes.

You are quite certain that you never saw the petition against the return of Mr. Handcock? Never in my life.

Thomas Smyth, called in; and Examined.

WHAT are you?—A grocer.

Can you write?—I can.

Thomas Smyth.

Did you sign that petition?—[*The Petition presented on the 13th of March being shown to the Witness.*—] I did.

Is that your signature?—[*The Petition presented on the 1st of December being shown to the Witness.*—] I never signed that.

Is there any other person of your name in Athlone?—I understand there is a painter of my name in Athlone.

Is he there now?—I cannot say; Curley can tell that.

Did not he live with Curley?—Yes.

Were you ever applied to to sign a petition?—Never.

Do you know whether the painter spells his name the same as you do?—I do not; and I would not know him if he was standing here.

Why did you sign this piece of parchment?—I was accused with signing a petition against Mr. Handcock, in the respect to the hindering him getting into the freedom of the borough, and I applied to his father about it; I said, "I understand my name is signed to a petition against Mr. Richard;" says he, "indeed I do not know, who told you;" "Mr. Rigney the merchant," says I, "told me; and, sir," says I, "I wish to clear up the point on an affidavit."

Did you make that affidavit?—I did.

Where did you make it?—Before Mr. Cooke.

Who wrote it out for you?—Mr. Cooke drew it out first, and then Mr. Cooke's clerk in the office copied it over.

When did you first see that piece of parchment, was it at the time that you made the affidavit?—No, it was since.

Did you read it before it was signed?—Yes.

How long have you known Thomas Flanagan?—I had no acquaintance with him; I was only told that was he about six months ago.

Did you understand what was written in this petition at the time you signed it?—I did.

You read it over?—I did.

Was what was read to you, and what you signed, the truth?—Sure it was the truth that I never signed any petition.

Was the petition that you did really sign, and which was read to you before you signed it, true?—It was.

The petition states this, "That the said Thomas Flanagan is in the habit of getting up petitions to Parliament in several vexatious and frivolous ways, setting the people astray, and instigating them to overt acts against the magistracy of the country;" do you know what is meant by an overt act?—No.

Did not you state that you understood what was meant by the petition?—It is to overthrow the magistrates.

You state that you know him to have, on several occasions, got up petitions for the purpose of instigating people to overt acts against the magistrates?—I have heard of it.

You say you know of it, what cases do you know of your own knowledge?—I heard that he had sent in a petition.

State what you know of your own knowledge?—I never saw him write at all, nor ever saw any of his writing.

Did you ever see him do anything to excite the people against the magistrates?—I heard him one day attacking Mr. Handcock in the street, and he said a great deal to him.

Thomas Smyth.

21 March
1837.

Was Mr. Hancock a magistrate at the time?—Yes.

He was speaking to Mr. Hancock?—Yes, to Mr. Hancock.

Did you ever hear him haranguing the people, and telling them to resist the magistrates?—No, I did not; only that I heard him talking to Mr. Hancock; he attacked him, in a most scandalous manner, in the street.

What did he say?—He said he would break the tolls and customs, and such things as that; and that he would make them very easy in Athlone.

That is the only instance in which you ever heard him speak in the town?—That is the only instance; it was in a public place; for he was up stairs in the inn in Athlone, and Mr. Hancock was going down the street, on the flags, and he attacked him.

You mean, he spoke to him; he did not beat him?—No, he spoke to him.

Is that the affidavit you made?—[*An affidavit, dated the 16th of February, being shown to the Witness.*—That is my affidavit.

William Curley, again called in; and further Examined.

William Curley.

HAVE you a man in your employment of the name of Smyth?—I have.

What is his christian name?—Thomas Smyth.

Did you ever see him write his name?—I did.

How did he spell his name of Smyth?—I think he spelt it S m y t h.

Do you know his handwriting?—Yes.

Is that his handwriting?—[*The affidavit of the 16th of February being shown to the Witness.*—I do not think it is.

Is that his handwriting?—[*The Petition presented on the 13th of March being shown to the Witness.*—I am sure he would not write so well as that.

What do you think of that?—[*The affidavit of the 16th of February being shown to the Witness.*—I really believe he did not write it.

Look at that?—[*The Petition presented on the 1st of December being shown to the Witness.*—I am certain he did not write that.

John O'Flanagan, again called in; and further Examined.

John O'Flanagan.

LOOK at that—[*The Petition presented on the 1st of December being shown to the Witness.*—Is that your hand-writing to that petition?—I cannot say.

Did you sign any petition against the return of Mr. Hancock for the borough of Athlone?—Not knowing that it was a petition against Mr. Hancock.

Did Thomas Flanagan bring any petition to you to sign?—He did.

What did he state that petition was?—For the widening of the bridge; and I even read the petition; it was on a Saturday evening; I keep a public house; and I was in a hurry, and he handed me another paper to sign, and I signed another paper, but I only read one paper.

Are you a relation of Thomas Flanagan?—No.

Did you ever see Thomas Flanagan write?—I did.

Would you know his hand-writing?—No.

Were you ever present when Thomas Flanagan harangued the mob, and desired them not to pay tolls and customs?—I was by the day when Mr. Tuitt was chaired in Athlone, but the half of what he said that day I could not understand, for I was so far away out in the crowd; but I know he was speaking upon that subject, he was saying that Athlone should be free, and that was the only word I heard.

What month was that in?—I cannot say.

What year was it in?—It was the very day that Mr. Tuitt was chaired in Athlone.

Were you ever in company with him going about to get signatures to a petition?—No.

Do you not know that he got a petition and urged the inhabitants of Athlone to sign it against the tolls that were levied?—I never heard a word till Mr. Hancock told me himself; he told me that my signature was to a paper against him, and I never was so much astonished in all my life.

Did not you say that Mr. Flanagan applied to you to sign a petition against Mr. Hancock's return?—No; he applied to me to sign a petition for widening the bridge, and he handed me another paper, and I was in a great hurry, and I signed that paper, but whether that is that paper I cannot tell.

How long have you known Flanagan?—He was two or three years passing through the town before ever I was acquainted with him.

You

You are an inhabitant of Athlone?—Yes.

Did you ever know him excite disturbances in Athlone?—No.

You never heard him excite people to resist the constables and overturn the magistrates?—No, I never did.

Do you consider him a peaceable, quiet, well-behaved man?—I never knew him any other.

Was not he a great friend of yours upon a particular occasion?—He shoved himself in upon me, and hurt my cause, because only for his making his appearance I would have got a hearing upon what I was upon.

What were you upon?—A memorial to His Grace the Duke of Wellington; I made a contract for the ordnance, and I was dismissed without cause, and the Duke answered my memorial, and ordered Mr. Hancock, the sitting magistrate, to preside; and this O'Flanagan had happened to come into the house that morning, and he says, I will go along with you; and even Mr. Hancock checked him; and he called me on one side, and I even told him you will do me more harm than good if you come forward, and he shoved himself in, in spite of the clerk.

What reason had you to think that his being with you did you harm?—Because I got no hearing; the engineer would not allow me to go into the hearing till he was away, that was what Sir John O'Field said.

Was it on account of Flanagan's character?—Yes.

Was not it on account of his conduct?—Yes; I thought by that they were afraid he should be by to listen what they were saying.

You have stated you never knew any thing against Mr. Flanagan's character?—I never did.

Is not he a good sort of fellow in his way?—Whether he is good or bad, I cannot say.

Is not he in the habit of getting up petitions of this kind?—I heard so.

Did you ever hear that there was a second letter sent to the post-office for Mr. Flanagan, summoning him to attend this Committee?—No.

Luna, 2^a die Aprilis, 1827.

PETER VAN HOMRIGH, ESQUIRE,

IN THE CHAIR.

Mr. Christopher Dillon, called in; and Examined.

WHERE do you reside?—In Athlone.

Do you know Thomas Flanagan?—I do.

Do you recollect whether he brought an election petition to you to sign in the month of July last?—I recollect he did; I cannot say whether it was July or August, but he did bring me one.

After the return for Athlone?—I cannot say positively; I think it was, I refused to sign it.

Did any petition lie at your house for signature in July last?—No such thing.

Did you sign that or any other petition at that time?—I have no recollection of signing any petition at that time; I signed a petition before that.

But you did not sign any petition that you recollect at that time?—No, I did not; Flanagan came to me and asked me to sign it and I refused.

Do you see that petition?—[*The Petition from Athlone, dated July 1826, presented to the House on the 24th November 1826, was shown to the Witnesses*].—Is that your name?—Yes.

That is your name in the petition?—Yes.

Do you recollect whether it was in July 1826, you signed that, or previous to that?—I have some reason to think it was not in July, for this reason, because there was a compromise entered into about the tolls and customs of the town, and I thought it would be an ungracious thing to sign a petition at that time.

Did you see that petition in Athlone at that time?—[*The Petition presented to the House, 1st December 1826, dated Athlone, July 1826, was shown to the Witnesses*].—I saw a petition at that time against the return, and I refused to sign it.

Do you know that handwriting?—That is Flanagan's handwriting.

John O'Flanagan.

18 March
1827.

*Mr.
Christopher Dillon.*

2 April
1827.

Mr.
Christopher Dillon.

8 April
1827.

Was the petition you saw in Flanagan's handwriting?—Yes, it was.

Is that Flanagan's handwriting?—The body of the petition is.

Look at those petitions, and state whether those signatures are in Flanagan's handwriting?—I see the last signature is in Flanagan's handwriting.

What is it?—Thomas Smyth.

Are you positive about that?—I am.

Do you know Smyth's handwriting?—I do not; I was asked whether any of the signatures were in Flanagan's handwriting, and I think this is in his handwriting.

Did you authorise Flanagan to sign your name to any petition to Parliament?—No, I did not indeed.

Is that the petition which was got up at that time?—I cannot recollect; it was offered to me and I refused to sign it.

Do you know whether Flanagan called upon the people of Athlone and encouraged them not to pay toll?—He did several times; I know he was in Athlone at the time and went about.

Do you think the people would have got up petitions at that time unless they were urged by Flanagan to do it?—I do not think they would.

Do you mean election petitions or petitions about the tolls and customs?—I mean election petitions.

Were you in the habit of admitting Flanagan to your house at that time?—Upon my word very reluctantly.

Is Flanagan a native of Athlone or has he any connexion with it?—Not that I know of.

Do you know that he was in the habit of going about from town to town getting up petitions?—I know he has been.

Do you know of your own knowledge?—I do.

Do you know Patrick Gannon?—I do.

Did you ever see Patrick Gannon write?—I do not know that I have; I have seen his writing.

Did you ever see him write his name?—I do not know that I have.

Is that his writing do you believe?—[*The Petition presented to the House 24th November 1826 was shown to the Witness.*]—I believe that is his writing, but I will not swear to it.

Do you know the signature to that petition?—I do not know, but he told me he had signed an election petition.

Do you know Gannon's writing?—I do not know it exactly.

Do you know that is his writing?—I do not.

You cannot swear whether this is or is not his writing?—I cannot.

You were asked to sign a petition and did not sign it?—I did not; I was asked to sign a petition against Mr. Handcock's return, but I did not.

Do you know of your own knowledge that Flanagan was in the habit of getting up petitions to Parliament?—I do know that very well.

Of your own knowledge?—Of my own knowledge.

Did you ever know Flanagan to instigate the people to overt acts against the magistrates of the country?—I do not know that.

Did you ever know of his encouraging the constables not to pay toll?—I never saw him.

The following letter was delivered in, and read, dated Wexford, Ireland, March 26th, 1827, addressed to the Right Honourable the Chairman of the Committee for enquiring into the Athlone Election Petition, House of Commons, London:

"Mr. Flanagan has the honour to inform the Chairman of the Committee to enquire into his conduct in reference to the Athlone Election Petition, that he will obey any summons or order left for him at the house of Mr. Ardell, Augur-street, Dublin, and hopes for a fair and dispassionate investigation, and that no witnesses will be examined in the absence of Mr. Flanagan. A letter from London, received this day, informs Mr. Flanagan of the issuing of a summons to be served upon him. To facilitate the object of the Committee he writes this, if any summons, left as above, will be forwarded or communicated to Mr. Flanagan wherever he may be."

Mercurij, 16th die Maij, 1827.

ALEXANDER DAWSON, ESQUIRE,
IN THE CHAIR.

Thomas Flanagan, called in; and Examined.

Thomas Flanagan,

16 May
1827.

THE Petition of four individuals, inhabitants of the town of Athlone, presented to the House on the 13th of March, was read.

The Order of the House referring the same to this Committee, was read.

The Petition complaining of an undue Election for the Borough of Athlone, presented on the 1st of December last, was shewn to the Witness.

IS that in your handwriting?—The body of that petition is in my handwriting, and I got it presented.

Do you recollect who presented it?—Lord Milton.

The petition is signed by eleven individuals?—Exactly.

Did you see any of those persons sign their names?—I did.

Did you see them all sign their names?—Some of the names I signed myself in the presence of others, and by their desire.

Do you mean by the desire of those persons whose names you signed?—I do.

Have you any objection to state to the Committee which of those names you saw signed by the parties purporting to have signed it, and which of those you yourself signed, as you acknowledge, by their desire?—I have, because I can prove by others not by myself; there is a charge now against me, and in order to acquit myself of it and justify myself to the country, the best thing I can do would be to produce witnesses and not myself, except the admission that I gave; I did not wish to give any evidence myself.

How would you propose to bring that exculpatory evidence before the Committee?—I wish to answer the charges against me, I do not know what they are, and I wish to have the witnesses back again in order to give me an opportunity of cross-examining them.

Are the Committee to understand that you are not aware of the charges that have been brought against you?—I am not; witnesses have been examined in my absence; I applied to the clerk for liberty to read the evidence, and I was refused.

You have stated that the body of this petition is in your handwriting, you have also stated that some of the signatures are in your handwriting, signed to it by the authority of the persons; will you point out which of those signatures are written in your handwriting?—I will not; I wish to save some trouble to the Committee by saying, that I admit that the James Hannan produced here did not sign his name to the petition nor authorize me to do so, another James Hannan living in the town of Athlone signed the petition.

Are the Committee to understand that the signature on that Athlone election petition was the signature of the other James Hannan?—Yes. The signature of Thomas Smyth was not written by the Thomas Smyth produced before the Committee, but it was written by another Thomas Smyth.

Does that other Thomas Smyth live with William Carley?—That is the very man, he is now in the town of Cavan.

Would Carley know Thomas Smyth's handwriting?—I am certain he would.

How long did he live with him?—I do not know; they came to me for the purpose of getting liberty to sign the petition.

Did you see Hannan and Smyth sign that petition?—I did.

Was any body else present?—Several persons.

Can you name any of them?—I cannot remember them now.

Where did they sign it?—Curley and Smyth signed it in the house of Mr. Carley, the coachmaker, in my presence.

Do you mean to say that it was Curley that signed it, or Hannan that signed it?—I am talking of Curley and Smyth now.

Were they together at the time they signed it?—They were together, and several others.

14 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Thomas Flanagan.

16 May
1827.

Was any body present at the time that Hazman signed it?—I think there was a man of the name of Gately; there are two Gately's in the town; he kept a public house in Athlone.

Where did they sign it?—In a public house; they called me in for the purpose of getting permission to sign it; it was only necessary to get one person to sign the petition, and if I wished I could have got 5,000 to sign that petition.

Do you know who signed the signature of P. Hawkins?—I will not answer that question at present; I believe the Committee have it in evidence that they can produce witnesses to answer it better than me.

Do you know that that Thomas Smyth lived any length of time with Carley?—If I saw him here now I do not think I would know him; I know that he was in Carley's shop when I was called in there.

Where is Thomas Smyth now?—He is now in Cavan; Lord Castlemain sent him down to Lord Farnham; I was told so.

What is your opinion of Mr. Dillon's character?—He is a man of very excellent character; he is a very excellent member of society.

Lund, 21st die Majj, 1827.

GEORGE MOORE, ESQUIRE,
IN THE CHAIR.

Thomas Flanagan, again called in; and Examined.

Thomas Flanagan.

21 May
1827.

IS your name Thomas Flanagan?—It is.

State to the Committee how many petitions you got signed last summer at Athlone?—I should suppose about three; two or three. There was an election petition, and there was a petition about the tolls and customs, and another about the repeal of an Act of Parliament.

An Act of Parliament as to what?—An Act passed in the reign of George the Second, authorizing non-resident Protestants to become members of corporate towns in Ireland, contrary, in my opinion, to the charters; and I got a Bill introduced into Parliament upon the subject.

That is, you suppose it was in violation of the charters?—Yes.

Who introduced the Bill?—Sir John Newport; and I got it introduced by Mr. Brougham, and passed by a majority of 36 in a full house.

Were those all the petitions you got signed last summer at Athlone?—Except this I am about to state.

How many more did you get signed?—There was a petition signed in pursuance of an order of the House of Commons.

Have the goodness to hold in your recollection the questions that are asked; not how many petitions were signed, but how many did you get signed; you stated three that you got signed; did you get this last signed also?—It was in consequence of me; I got the order of the House of Commons to amend the petition.

Did you get that petition signed last summer at Athlone?—I should suppose it was signed in consequence of me; through my influence.

That petition was in pursuance of an order of the House of Commons?—Yes.

You have stated four; were four signed last summer at Athlone?—Yes.

Did you get any other petition signed at Athlone?—There were two other petitions about the bridge of Athlone over the river Shannon, now in a dilapidated state. I went to the assizes at Roscommon, the last assizes before this, and to the assizes at Westmeath, for the purpose of getting a presentment to repair the bridge; and that petition was signed by the respectable inhabitants of Athlone.

At your instance?—Yes.

That was not to the House of Commons, but to the grand jury?—Yes; but it was necessary for me to speak of those petitions, because use was made of them in the testimony given before this Committee.

Did you get any other petition signed last summer at Athlone?—I should think not; not to the House of Commons; I may, perhaps, to the House of Lords.

How many petitions did you get signed against Mr. Handcock's return for Athlone

lone?—Only one; and a second was signed by order of the House of Commons, through my interposition.

That was two?—No; there was one election petition, and there was liberty to amend that petition; and the second came accordingly, pursuant to the orders of the House.

Was it signed?—It was signed.

Who was it signed by?—By Mr. Robert Jamieson, Mr. John Dillon, and Mr. James Horne Bracken.

Then you got two petitions signed against the return?—Yes, if you take it in that way.

You got a petition originally, and an amended petition by order of the House of Commons?—Yes.

Those were all the election petitions you got?—Yes, about Athlone.

Did you give Mr. Dawson a petition to present against the return, which he refused to present for you because it contained unbecoming reflections on the sovereignty of Athlone?—I did not give him any petition.

Did you ask him to present a petition, or send him any petition?—I sent a petition by post though I did not give it to him.

Did you send Mr. Dawson a petition to present against the return of Mr. Handcock, which he refused to present because it contained unbecoming reflections on the sovereignty of Athlone; will you have the goodness to answer that question, yes or no?—I will not answer that, I will not answer any thing to criminate myself.

In what respect do you think it would criminate yourself?—I will not answer it at all.

Did you send Mr. Dawson two petitions?—I did.

What were they?—One was respecting the tolls and customs, and the other was the first election petition.

Do you mean the petition that is now before this Committee?—I will not answer that.

I ask you whether the petition you sent Mr. Dawson, was the petition now under examination, the petition of the inhabitants of Athlone complaining of the Athlone election, presented to the House of Commons on the 1st of December 1826?—[*The Petition being shown to the Witness.*]—I will not answer that question, I will not answer anything to criminate myself.

What object have you in not answering?—I will not answer that question.

The object of the Committee is to obtain the truth?—You must attain that through other witnesses.

Do you conceive that answering that question would have a tendency, or might have a tendency, to criminate yourself?—It might.

Then you must acknowledge there are forged names to that petition?—You may draw what inference you please from it.

Do you persevere in refusing to answer whether that is the petition you sent to Mr. Dawson or not?—I do.

Have you any further reasons why you decline answering that question?—(No answer.)

What are your reasons for refusing to answer the question?—There is a charge of forgery against me, and there are two other charges against me, one for rousing the people against obeying the magistrates.

Have you any other reason?—There is another charge in this petition of paramount importance to the country, calculated to destroy the right of petitioning; that is one of the charges against me; it prays the House to devise some means to prevent forged petitions coming to it; if the matters were printed properly the last day, pursuant to the order of the Committee, I might have stood upon that testimony to-day.

Do you wish that to stand as part of your reasons for refusing to answer the question?—Yes; because if the petition was printed, and the affidavits were printed and I found a difference between the testimony and the affidavits, I might stand upon that to-day.

Have you any other reason for refusing to answer the question?—I have not stated all the charges against me.

There are only two charges in the petition?—Will you read the prayer of the petition.—[*The prayer of the petition presented to the House of Commons on the 13th of March 1827, was read by the Chairman.*]—If I compared the affidavits with the testimony given before this Committee, the probability is, that I should save the Committee further trouble, and close my case; and why? if I find the affidavits and

Thomas Flanagan.

31 May
1837.

the testimony given here by the petitioners contradictory, it may be a good reason for me to close my case. My reasons for refusing to answer the question, are these; I am charged with forgery; I am charged with instigating the people against the constituted authorities, the magistrates; and I am apprehensive if I do not treat this properly, this will inflict incalculable mischief on the poor of Ireland, because it may have a tendency to close the doors of the House against petitioners, in my opinion: there is another charge in the petition against me, for setting up frivolous and vexatious petitions, and leading the people astray, I presume; will you be so good as to state if that is in the petition.—(*The Petition presented to the House of Commons, 13th March 1827, was read by the Chairman.*)

Have you anything further to say?—I am to answer the charge.

You were asked your reason why you refused to answer the particular question; have you done giving your reasons?—That is one of the reasons; that is one of the charges against me.

Have you done giving your reasons why you will not answer the questions you are asked?—Yes, I have.

Had you the election petition which was presented on the 1st December 1826, in your possession at the time you gave the former one to Mr. Dawson, when you sent it to him?—I will not answer that question, for the same reasons that I gave before.

Why did you not give that petition to Mr. Dawson to present along with the other, but reserve it for Lord Castlemaine?—I will not answer that question for the same reasons.

Who told you that Lord Castlemaine had put Thomas Smyth, who you say signed the petition, out of the way, by sending him to Lord Farnham?—Some of the people of Athlone told me he was sent to Lord Farnham to be out of the way, to prevent him being examined before this Committee; but I do not know whether he was sent away or not.

You were in Athlone since that petition was presented?—I was at Athlone since the last assizes at Roscommon, and I went and made a motion there relating to the bridge, on a Sunday I think it was, either during the last assizes, or on the Sunday before it; I was in Athlone, and Mr. Christopher Dillon put the Dublin Evening Post in my hands, representing the proceedings of this Committee; and I made inquiries about it, and many of the people of the town got about me; and I went to Curley's and several other places, to make inquiries to enable me to defend myself.

In short, you were at Athlone since the petition was presented?—Yes.

Were you at Athlone since that petition of Hannan and others was presented to the House on the 13th of March?—I was.

Was that the time you heard that Lord Castlemaine had made away with Smyth?—It was that very Sunday.

How did you know that Smyth was one of the petitioners at that time?—I did not know till I went to Curley's and enquired. I went to every person who did sign the petition.

Who wrote Pat. Hawkins's name in the petition of the 1st of December; was it you by his consent?—I will not answer that question; I believe you had full evidence of that the last day.

Was there any other person of the name of Patrick Hawkins living at Athlone at that time?—I do not know indeed.

Can you tell the names of the people in Athlone who told you that Lord Castlemaine had sent Thomas Smyth out of the town?—I cannot, in consequence of the confusion among the body of the inhabitants who got about me.

When you heard of that petition being presented at that time, you say you went to look for the persons whose names were supposed to have been forged?—All the persons who signed the first election petition.

You went to look for them?—I did, except that some of them came to me.

You went to look for a person of the name of James Hannan?—No, I did not; I went to Curley.

Did you, or did you not, go to look for a person of the name of James Hannan?—I did not, because I knew that James Hannan, who signed that petition, never signed the election petition nor authorized me to sign it, and therefore there was no necessity for me to go to him.

By the election petition you mean the petition of the 1st of December?—I do.

This one?—(*It was shown to the Witness.*)—I will not answer that question.

Was there a second James Hannan at Athlone?—I understand so, or some place in the neighbourhood.

Was

Was it the second James Hannan then who signed the petition of the 1st of December?—I understand so.

You did not see him sign it?—I did not wish to get any man to sign it but one.

Did you see the James Hannan who signed the petition, sign it?—I forget whether he signed it or not, or whether it was signed by his desire.

Did you go to look for Pat. Hawkins?—I did not; but I went to a man of the name of Keefe, and he sent for Hawkins that very Sunday.

Did you see him?—Yes, and he appeared greatly annoyed; and he admitted he had made an affidavit for Captain Handcock.

Was that the Patrick Hawkins who made the affidavit?—I understand so.

Was that the Patrick Hawkins who signed your petition?—I believe so.

Were you not present when he signed it?—I believe I was; I was present when the petition was signed by every one of them, or signed for them by their desire.

Those who could not read?—Whether they could read or not.

Did Patrick Hawkins sign that petition of the 1st of December in your presence; look at the name of Patrick Hawkins signed to that petition?—*[The petition was put into the hands of the Witness.]*—There is P. Hawkins signed.

Were you present when that signature was put to the petition?—I will not answer that question.

Now look at that petition!—I see it.

Do you deny that petition is in your hand-writing?—I admitted the petition was in my hand-writing the last day; that is, the body of the petition is in my hand-writing.

Look at the name of William Curley signed to the petition?—There is the name of William Curley here.

Were you present when that signature was put to the petition?—I will not answer that question; I was present when the signature was put to the election petition in Athlone.

Do you see a signature purporting to be of James Hannan to that petition?—I do.

Read it out for the satisfaction of the Committee—that particular signature, what is it?—James Hannan.

Were you present when that signature was put to the petition?—I will not answer that question, for the same reason I gave before.

Look at the signature of Thomas Smyth to that petition?—There is a Thomas Smyth, but the last signature.

Were you present when that signature was put to the petition?—I will not answer that question.

Now, were you present when any of the signatures were put to that petition?—I will not answer that question.

But you admit the petition is in your hand-writing?—It is, and I got it presented. Many petitions come from Ireland, and the persons presenting it, or getting it presented, know nothing of the hand-writing, and that has led to this enquiry.

How do you reconcile it that that could be the petition written by yourself, and presented by yourself, and you know nothing of the signatures?—That is a matter for my own conscience, to be justified in my defence.

Was that petition prepared or written at the time you sent the petition to Mr. Dawson?—I will not answer that question, for the same reasons.

[The Witness was then ordered to withdraw, but on requesting to be present at the examination of witnesses against him, was allowed to remain in the room.]

Alexander Dawson, Esquire, a Member of this Committee; Examined.

Do you recollect the month of November last?—Yes.

Do you recollect an election petition being sent to you to present against the return for Athlone?—Yes.

Was it sent to you, or was it given to you?—There were two petitions sent to me when I was at my place in the county of Louth, which came from Athlone.

One was an election petition, and one was against the tolls and customs?—Yes; there were two petitions that came to me by post, indeed “Parliamentary Proceedings.”

Do you recollect when they came to you?—They came to me, I suppose, in the month of September or October; I know it was after the election, and shortly after I think it was September.

Thomas Flanagan.

23 May
1847.

Alexander Dawson.
Esq.

Alexander Dawson,

Esq.

21 May

1857.

Did you bring those petitions to London with you?—I did.

Did you present those petitions?—I declare I cannot rightly say; I think I presented one of them.

Did you present the other?—No, I think not.

Did you present the Athlone one?—They were both Athlone ones.

What was your reason for not presenting the other petition?—I know there was one petition, which I declined presenting, because it reflected, as I thought, in too strong language, against the individual gentleman who was sovereign of Athlone; I could not rightly tell you what the name was. That is the petition that was sent at that time. Whether I got another petition, or retained that, I do not know.

Do you recollect Mr. Hancock calling upon you in Berners's street at that time?—Perfectly well; and I think, now you bring it to my recollection, it was the very petition I brought from Ireland.

You showed him a petition, with some erasures across it?—Yes, I drew a pen across it.

Will you look at that petition of the 1st of December?—[*The petition was shown to the witnesses*].—Is that the petition?—No, this is not the one.

Do you recollect Mr. Hancock calling on you a second time?—Yes, he did.

Do you recollect your mentioning that Flanagan had been with you in the meantime?—I do.

What did Flanagan say to you when you refused to present that petition?—I protest I cannot say; I cannot charge my memory with it.

Did he seem angry at your not presenting it?—He appeared dissatisfied, I think, rather dissatisfied.

Did he mention to you that he had another petition in his possession at that time to have presented?—I declare I cannot recollect.

Did he say he would get Lord Milton to present it, as you did not present it; or did you show him the erasures in the petition, and desire him to get another prepared?—No; I said it would be improper to present it, for I was a young Member of Parliament, and thought it improper to interfere in boroughs out of my own county; but at the same time I thought it a duty to present it if it was proper; but that was only a slight reason, my not being connected with that part of the country; my reason was, I thought it was a reflection upon an individual member, who had no opportunity of answering it at that time. I think it spoke of illegal conduct, or very unconstitutional conduct; something which would be a breach of the privileges of the House in any returning officer to be guilty of.

Did Flanagan show you this petition of the 1st of December at that time?—No.

Did he say he had any other petition?—I do not know that.

Do not you think if he had another petition, and this was too scurrilous, he would present you with the more moderate one?—I do not know; he was not pleased with my not presenting that petition.

Was Flanagan here in November?—Yes; it was about the 10th of November he had that conference with me.

Is that the petition of the 1st of December he asked you to present?—This is not the petition I refused to present; there were several other petitions, some from Dundalk, which he brought me; I believe there was one given me by the Dundalk people; but certainly he was instrumental in getting it from Dundalk; that was a very fair petition.

What time was it you refused to present that petition?—I believe the 10th or 11th of November, I think Parliament met the 8th.

Did he tell you he would send to get another petition from Athlone, as that would not do?—I rather think he did; I think he did; that he would send to Athlone to get one.

Did he go to Athlone to get one?—I had drawn my pen over these two or three lines, and I said, I will get some other member to present it. He mentioned the names of two or three members, amongst others Lord Milton, and I said you cannot get that presented because it is obliterated.

That is not this petition?—No.

He said he would send to Athlone and get another petition?—Yes.

Did he do so?—I do not know.

Did he go to Athlone?—He did not go for a month at any rate after that.

Do you think if he had this petition in his possession, he would not have given you this petition to present when the other was too scurrilous?—I do not know;

I think

I think it fair to state, that with respect to the charge of getting up improper petitions, that is, frivolous and vexatious ones, as far as Flanagan was connected with getting petitions from Dundalk, and he was instrumental in getting some, they were far from frivolous and vexatious.

Thomas Flanagan, was then recalled, and informed that he might put any questions to Mr. Dawson, but he stated that he would reserve his cross-examination for a future opportunity. He was then further Examined.

Thomas Flanagan.

31 May
1827.

IT was the beginning of November, it appears, you saw Mr. Dawson in London?—I think it was shortly after the meeting of Parliament.

How long did you remain in London after that?—I forget now.

Did you remain ten days?—I forget now.

Did you remain a month?—I remained more than ten days.

Did you remain until Parliament was up?—I forget now.

Did you go to Athlone to get another petition?—I will not answer that question, I could get a petition without going to Athlone.

Could you in London see a petition signed in Athlone?—I saw many petitions signed in Athlone.

I see that you stated in your evidence on the 16th of this month, that the body of this petition of the 1st of December is in your handwriting, and you got it presented?—I believe I did.

You were asked who presented it, and you said Lord Milton?—I believe so.

I presume you gave it to Lord Milton to present?—I did not.

Who did you give it to, to give it to Lord Milton?—I sent it to him by letter.

Did he present it the day you sent it to him, or the day after?—I forget which; shortly after the petition was sent to him.

Were you in London when Lord Milton presented the petition?—I think I was.

And you were in London at the time Mr. Dawson refers to?—I was.

Did you go to Ireland between the time you saw Mr. Dawson and the time the petition of the 1st of December, which is the subject of this examination, was presented?—I did not; but I got several petitions from Ireland by post.

Was this petition the petition that was presented by Lord Milton?—The second election petition; I was not in Athlone at the time it was signed; I mean the amended petition.

You say you got several petitions by post at that time?—I did.

Now, amongst the petitions you got by post, was the one presented by Lord Milton one of them?—I will not answer that question.

The Chairman then informed Thomas Flanagan that the case in support of the allegations in the petition against him was for the present closed, and the Committee now called upon him to say whether he was prepared to meet the charges which appeared upon the Evidence. Mr. Flanagan requested to be furnished with copies of the affidavits, and to be allowed till Wednesday to consider whether he would rest his case upon them and the evidence that had been given, or ask permission to call witnesses, which was acceded to by the Committee.

Mercurij, 25^a die Maji, 1827.

GEORGE MOORE, ESQUIRE,

IN THE CHAIR.

Thomas Flanagan, again called in; and Examined.

HAVE you read a copy of the papers which you wished?—No.

When did you get them?—A quarter of an hour ago, I did not get a copy of the affidavits, and in the order of reference the Committee have power to order papers and so on.

The Committee are now prepared to hear what you have to say in your defence?—I have not got copies of the affidavits, therefore, I must make an application to the House for copies of them as they are necessary for my defence.

Thomas Flanagan.

31 May
1827.

Thomas Penson.

23 May
1827.

Have you never seen any of those affidavits?—Never, I wish to have them to establish a contradiction.

What is the particular application you wish to make to the Committee?—It is, that these affidavits may be printed and put to the notes, so that every Member may have access to them.

[The Witness was informed, that according to the rules of the House they could not be printed.]

What is your application now?—It is to have the affidavits printed, and to have them distributed to the Members of the Committee.

What have you to say in your defence?—Nothing more to say, whether that application shall be acceded to or not.

What application have you now to make to the Committee?—The application that I have now to make to the Committee is, that in pursuance in the order of reference to this Committee, that *then* documents shall be produced, I call for them as part of my defence, and that *then* affidavits may be read here and every Member may read them.

[The Witness was informed, that if he did not proceed on his defence, the Committee must proceed to their adjudication.]

Have you any application now to make to the Committee?—I cannot rightly go into my defence without the production of those documents, as being material to my defence.

Is that the application by you to the Committee, or for time?—Yes, upon the ground that I intend to make an application to the House in see whether I am entitled to the documents.

State the reasons in support of the application?—I will repeat my reasons again; I am now in my defence for a very high and serious charge, and, according to the constitution of this country and the Bill of Rights, I am entitled to make my defence in pursuance of the order of reference of the House; I am anxious to save trouble and delay, and to put an end to this inquiry; and had the Committee acceded to my wish when put upon my defence, I made a demand of what I considered to be just and right to my defence; I move for time to have liberty to apply to the House.

Will it answer your purpose, if you are furnished with copies of those affidavits?—No.

Or to have them read over now?—No.

What further time do you want?—I leave that to the Committee.

What time do you think you shall require?—Till Saturday.

You having been informed that it is not according to the rules or orders of Parliament that affidavits of the nature of those to which you have referred should be printed as part of the proceedings before this Committee, and an offer having been made to you to furnish you, for the purposes of the defence, with copies of the affidavits, do you decline making use of the copies, or receiving them?—The copies will be of no use at all to me.

Is the Committee to understand that you decline taking the copies?—I do not decline taking them; I will give an answer in two words. It is necessary for me to have them produced, they being of importance to my line of defence, and to have them proved here, the hand writing of the magistrates, and the persons who signed them.

[The Witness was informed by the Committee, that the affidavits in question did not form any part of the groundwork of the proceedings.]

*(Witness).—*I have a right to pursue my own line of defence.

In what respect do you conceive that your own line of defence will be prejudiced by the course which has been suggested to the Committee?—Because I am implicated in a very serious charge; and it is necessary for me, and for the country, to defend myself in the best manner that I may be advised to, or think proper.

In what respect do you think you could better defend yourself, by pursuing the course of printing the affidavits, which is a course inconsistent with parliamentary usage, rather than the course of being furnished with copies of the affidavits, to which you can make reference in your defence?—If the questions had been properly put to me by this Committee, I would have saved them a great deal of trouble; and I call upon the Committee to produce them. It is necessary to prove the affidavits, and that they should come into the notes of the evidence here; and I shall avail myself of the benefit of those affidavits.

Is the object, in referring to those affidavits, to point out inconsistencies between the affidavits and the testimony of the deponents given before this Committee?—It is.

In what respect will that object be more advanced by the printing of the affidavits, than by furnishing you with the copies of those affidavits, to which you can, in your further examination, make a reference in order to impugn the credit of the witnesses?—I call for the production of the affidavits, in order that I may produce witnesses to prove them to the first instance, one of my full arrangements is; because, if every Member of the Committee of the twenty two had attended here from day to day, I would not feel it necessary for me to call for those affidavits; with this exception, to have them proved, and made part of my testimony in my defence.

In what respect would your cause be advanced by having those affidavits, as you call it, proved?—I do; because, suppose I find contradictory evidence between them and the evidence given here, would not that be ground enough to weaken the testimony against me.

Do you not see, that when you are furnished with copies of those affidavits by the order of the Committee, it is quite as conclusive, for the purposes of pointing out any inconsistency between those copies of those affidavits and the evidence already given, as it would be if the original affidavits were proved originally in a court of justice?—No, it would not; I will give my reason for that, because I could not institute a prosecution against any of the persons for perjury.

Are you aware, that under any circumstances it would be impossible for you to maintain a prosecution for perjury upon affidavits taken extra-judicially, and without the obligation of a statute, and by a tribunal who cannot receive affidavits consistent with Parliamentary usage?—I consider that a tribunal competent to try the crime of forgery, the highest crime in the state, is the same as trying a criminal for perjury.

Do you mean to state that this Committee are to try a question of perjury?—No, I said forgery.

But in the answers which you have given you state, that you conceive a tribunal constituted for trying the offence of forgery is also competent to try the offence of perjury; do you refer that to this Committee?—I do; I do not mean to say that they will have the power to try for perjury, because there is no jury established here.

But no court of justice, being competent to try a case of perjury, where no perjury is the eyes of the law has been committed; and as no perjury can be assigned at law upon a voluntary affidavit taken by a magistrate extra-judicially, in what respect would your case be more advanced by having the original affidavits than the copies?—Because I can produce witnesses in a court of law that they are neither voluntary affidavits nor right.

Is your object of having them put upon the Minutes of the Evidence with a view to procure witnesses for yourself, in order to found a prosecution for perjury?—It is not; it may be partly so.

[The witness was informed by the Committee, that according to Parliamentary usage copies only would be furnished to him, and that copies should be furnished to him in the course of the day.]

[The witness was further informed, that the Committee would expect that he would be prepared to urge any thing he had to state in defence by to-morrow at half-past one o'clock.]

Jeudi, 24^e die Maij, 1827.

ALEXANDER DAWSON, ESQUIRE,
IN THE CHAIR

Thomas Flanagan, again called in: and further Examined.

IN compliance with the communication made to you by the Committee yesterday, are you prepared to offer anything in your defence?—I am; I am determined to take the sense of the House, unless the Committee comply with my address. For why? because affidavits have been proved against me by witnesses produced, therefore I am entitled to the benefit of the testimony against me.

C 3

To

Thomas Flanagan.

23 May
1827.

Thomas Flanagan.

24 May
1827.

Thomas Flanagan.

24 May
1837.

To what suggestion do you refer?—To that suggestion, namely, that I was entitled to the benefit of the affidavits; that they ought to be printed and placed on the Minutes, in order that absent Members of this honourable Committee might take advantage of those affidavits, and in order that they might be induced thereby to attend this Committee.

You having been informed, that it was contrary to parliamentary usage to print affidavits referring to the proceedings of the House, and having been further informed that no part of the proceedings of this Committee were grounded upon those affidavits, and having been furnished with a copy of those affidavits for your own purposes, to enable you to point out any contradiction between the affidavits and the original testimony of the witnesses examined; upon what grounds do you now call upon the Committee to take any further step with regard to the affidavits?—I will go over the same answer again to that question. There are four serious charges against me; one the high crime of forgery. I claim the protection of the constitution, and the Bill of Rights, of a British subject.

Have you anything further to offer in your defence?—Nothing, unless the Committee complies with my line of defence, such as I feel it to be my paramount duty to pursue in order to justify myself to the country, and perhaps to justify the country too. I only move an adjournment to any day the Committee think proper, till I take the sense of the House; it is my undoubted right to petition the House, if I feel myself aggrieved.

Is that the Petition which you gave to Lord Milton to present on the 1st of December?—[*A Petition being shewn to the Witness.*]—I beg leave to suggest, if the question is put to me, I may implicate myself if I answer the question; the question is, whether I have a right to answer that question.

You are not the judge of the questions put to you; will you answer the question, yes or no, whether that is the petition you gave to Lord Milton?—I give no answer.

The Witness was desired to withdraw.

The Witness, was again called in, and further Examined.

The Committee are of opinion that it is impossible for them to comply with your desire to have those affidavits printed; under these circumstances, do you propose to examine any persons who can show that they were the persons who signed that petition against which the imputations have been made?—I can.

Can you produce any person to authenticate the signature of Thomas Smyth, which appears to the petition?—No, I cannot; because there are two Thomas Smyth's; Thomas Smyth produced here was not the person.

Who was the Thomas Smyth who signed the petition?—I understand another Thomas Smyth.

Was it signed in your presence?—It was.

Was it signed in your presence?—The name of Thomas Smyth, in my presence.

By Thomas Smyth?—It was either signed by Thomas Smyth, or by his desire it was.

Are you enabled to say that it was signed by himself, or by his authority?—I cannot recollect now, for this reason, it was necessary to me to get one name to the petition, namely Cannon; I thought it a ridiculous thing to get more; they pressed me to sign it; I did so merely to identify them; it being no importance whatever, it being simply an election petition.

Supposing that that signature of Thomas Smyth was not the signature of Thomas Smyth, but signed by somebody on his behalf, by whom was it signed?—Very likely by me.

Have you any doubt upon the subject?—I declare I have this moment.

Look at the signature?—[*Again showing the petition to the Witness.*]—I have doubts, and why? I did not pay attention to it at all.

Was any body present at the time?—There was Curley produced here, who was examined here.

The master of Thomas Smyth?—Yes.

Where was this signed?—In the house of Curley, who was produced here; and by Curley's desire, and not mine.

Who else was present?—I believe there was another brother of the name of Curley.

William

William Curley?—I do not know his name; I believe his name was John Curley, the brother. Thomas Flanagan,

Which do you say was present at the time the signature was affixed?—Curley, who was produced here, was the person who signed it, or got it signed for him at the time. 24 May
1897.

You went over to Athlone to get that signed, after Mr. Dawson refused to present a former petition?—I refer to my former answer to that question.

Did you go over to Athlone after Mr. Dawson refused to present the first petition, to get a second petition signed?—I did not; but I had a communication with the people of Athlone by post, and before this day week I could get a petition from 5,000 of the inhabitants of Athlone and the surrounding country.

If this petition was signed at Athlone, you being absent from Athlone, how can you give an account of the mode in which the signatures were attached?—There were so many petitions signed that I am confounded, because the question does not come properly adapted to give an answer to the question.

When asked whether you were present when that petition was signed, you said you were; were you present; you will answer the question or not?—I give no answer to that.

You say you have received several petitions by post?—I have.

Were they addressed to you?—They were.

How did they come?—As Parliamentary proceedings, through the Post Office.

Did they come free to you?—They did.

Were they delivered to you by the General Post?—There are many Members in Ireland who can frank.

Were they delivered to you by the General Post?—Consequently.

Where were you living at that time?—I believe a good many came to Mr. Dawson, the Member.

Where were you living at that time?—The petition did not come to my own address, because I lived in a remote part of the town, and Mr. Dawson lived in the neighbourhood of Westminster; the probability is, that I received all the petitions at his house.

Are you not aware, that the post is delivered just as regular in the remote parts of the town as in the neighbourhood of the House of Commons?—Yes; but the distance.

Were the petitions addressed to you, or to Mr. Dawson?—Some to me, and some to Mr. Dawson.

Can you undertake to say whether that petition was addressed to you, or not?—I cannot.

Do you propose to call any witnesses, or to suggest to the Committee the names of any witnesses who will be prepared to prove the signature of Thomas Smyth?—Of Mr. Curley, his master, who was examined here, and the brother of Curley; I have another important witness; an application was made for time to amend the petition; I prepared the petition here pursuant to that application; I sent the petition over to Athlone, and requested the person to go to the persons who signed the other petition, and to get it signed; that is a very important witness for me.

You wrote over to a man for that purpose?—I did; because I thought the persons who signed the first petition ought to sign the second.

You were understood to say you went over yourself?—I never said so.

Are those petitions in your handwriting?—[Showing two petitions to Witness; one presented the 1st, and the second presented the 5th of December].—They are in my handwriting.

The one dated the 1st of December you wrote in London, did you not, after Mr. Dawson refused to present the first?—I might, perhaps.

Answer the question directly, or not; did you not write it in London?—I will not answer that question.

Where were you at the time when Mr. Dawson refused to present the first petition?—In London.

How many days after that was the second petition presented?—I believe a considerable length of time elapsed.

Did you remain in London from the time of the Honourable Member for Louth declining to present the first petition, and the time when the Honourable Member for Yorkshire presented the second?—I did.

You remained in London the whole of that time?—I did.

24 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Thomas Flanagan.

24 May
1827.

Is that the second petition that was presented?—It could not be the second petition.

Is that the petition that was presented by the Honourable Member for Yorkshire?—(*Showing the petition indeed, presented 1st December.*)—Yes, I admitted that the first day.

Have you the first petition which the Honourable Member for Leith declined presenting on your behalf?—I do not know whether he or I has it; respecting the other witness he went round.

Who?—Robert Jamieson, to the different persons who signed the first petition, and they confessed to him that they signed the petition, and that they would not sign the second petition because one lost his licence and the other was threatened to lose his pension.

[*The prayer of the petition against the one presented by the Witness was read at his request.*]

(*Witness.*)—I am produced here as a witness to show the necessity of a law to prevent forgeries to petitions in future.

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